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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of)	
)	
Deployment of Wireline Services Offering)	CC Docket No. 98-147
Advanced Telecommunications Capability)	
)	
Implementation of the Local Competition)	CC Docket 96-98
Provisions of the Telecommunications Act of 1996)	

**COMMENTS OF SBC COMMUNICATIONS INC. ON PETITIONS FOR CLARIFICATION AND/OR
RECONSIDERATION**

SBC Communications Inc. (SBC) submits these comments in support of and in opposition to the Petitions for Clarification and/or Reconsideration filed on the “*line sharing*” orders in the above referenced proceedings.¹ SBC supports BellSouth's Petition for Reconsideration and Bell Atlantic's Petition for Clarification and/or Reconsideration. SBC opposes AT&T's Petition for Expedited Clarification or in the Alternative for Reconsideration and MCI WORLDCOM's Petition for Clarification.

I. SBC Comments In Support

BellSouth seeks reconsideration of the Commission's finding that new technologies are presumed deployable when successfully deployed in one State without significantly degrading other services. SBC agrees with BellSouth that it is improper to assume that all incumbent Local Exchange Carriers' (ILECs) networks are configured on a “one size fits all” basis, and that there are situations where a new technology may not

¹ Deployment of Wireline Services Offering Advanced Telecommunications Capability, *Third Report and Order*, CC Docket No. 98-147, and Implementation of the Local

degrade the existing services of one ILEC, but will degrade another ILEC's existing services in another State. Accordingly, SBC supports BellSouth's request that the rules be changed to state that new technologies cannot be deployed unless approved by: (1) industry standards; or (2) standards bodies, the Commission, or the State commission in the State in which the carrier wishes to deploy the technology.

SBC also supports Bell Atlantic's Petition for Clarification and/or Reconsideration that the Commission clarify that: (1) data carriers do not need access to the entire loop frequency to test the high frequency portion of the loop; (2) ILECs should not be required to separately prove on a State-By-State basis that conditioning a loop over 18,000 feet will significantly degrade the existing voice service on the loop; (3) nothing should preclude the industry from agreeing to a different implementation schedule through negotiations; and (4) market forces and the "first in time" rule should be allowed to determine the replacement of technologies.

II. SBC Comments In Opposition

SBC opposes AT&T's request that the line sharing order be modified to require line sharing on lines which are characterized as "UNE platform" lines. The Commission's order is quite clear that sharing is not required on those lines:

The record does not support extending line sharing requirements to loops that do not meet the prerequisite condition that an incumbent LEC be providing voiceband service on that loop for a competitive LEC to obtain access to the high-frequency portion ...[I]ncumbent carriers are not required to provide line sharing to requesting carriers that are purchasing combinations of network elements known as the platform. ¶ 72

Competition Provisions of the Telecommunications Act of 1996, *Fourth Report and Order*, CC Docket No. 96-98 (rel. December 9, 1999)

The Commission correctly limited line sharing to those instances where the ILEC would continue to be the voice provider on the line. In the UNE platform situation, the ILEC is no longer the voice provider once the line has been provisioned, and it is unable to make any further use of that line or to recover any revenues - other than the UNE platform rate - from any services provided over that line. Conversely, in the line sharing situation, the ILEC remains the voice provider and is still able to charge the end user the full retail voice rate for the use of the line. In fact, in the UNE platform situation, there is no line sharing because the ILEC does not use or in any way share the line.

For the same reason, the Commission should reject the requests of AT&T and MCI WORLDCOM that ILECs be required to perform the same services and support functions on UNE platform lines as they do on shared lines. Again, the petitioners are comparing “apples” and “oranges,” *i.e.*, “non-shared” lines, and “shared” lines on which the ILECs continue to provide the voice service and to collect the full retail rate for providing the voice service on the shared lines. Nor did the Commission require that the ILECs become involved in situations where two CLECs want to share a line. There, again, the Commission stated:

[W]e note that if the customer switches its voice provider from the incumbent LEC to a competitive LEC that provides voice service, the xDSL-providing competitive CLEC may enter into a voluntary line sharing agreement with the voice-providing CLEC.
n. 163

Requiring the ILEC to participate in that CLEC-to-CLEC relationship would only complicate matters and is in no way required by the line sharing orders.

SBC agrees that it is technically possible to perform the same ILEC services and functions for both shared and non-shared lines, but obviously there is little and in most cases *no* economic incentive for the ILEC to do so in the case of non-shared lines because it is not the voice provider and does not collect any revenues for providing voice service on those lines, as it does in the case of shared lines.

For these reasons, SBC believes the Commission should grant the Petitions filed by BellSouth and Bell Atlantic, and that it should deny the Petitions filed by AT&T and MCI WORDLCOM.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Mark P. Royer, hereby certify that a true and correct copy of the above and foregoing comments were served on this 22nd day of March, 2000, to the following individuals:

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